

Executive Summary – Enforcement Matter – Case No. 54309
City of Clyde
RN101410751
Docket No. 2017-0555-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Clyde PWS, 3240 County Road 275, Clyde, Callahan County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 28, 2017

Comments Received: No

Penalty Information

Total Penalty Assessed: \$441

Total Paid to General Revenue: \$441

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - Unclassified

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 20, 2017 through March 31, 2017

Date(s) of NOE(s): March 31, 2017

Executive Summary – Enforcement Matter – Case No. 54309

City of Clyde

RN101410751

Docket No. 2017-0555-PWS-E

Violation Information

Failed to comply with the maximum contaminant level of 0.060 milligrams per liter for haloacetic acids [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the maximum contaminant level for haloacetic acids based on the locational running annual average; and
- b. Within 380 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ronica Rodriguez, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2601; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Chad Sheffield, Plant Superintendent, City of Clyde, P.O. Box 1155, Clyde, Texas 79510

The Honorable Matt Howard, Mayor, City of Clyde, P.O. Box 1155, Clyde, Texas 79510

Respondent's Attorney: N/A



Policy Revision 4 (April 2014)

Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	3-Apr-2017	Screening	11-Apr-2017	EPA Due	30-Jun-2017
	PCW	5-May-2017				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Clyde
Reg. Ent. Ref. No.	RN101410751
Facility/Site Region	3-Abilene
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	54309	No. of Violations	1
Docket No.	2017-0555-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ronica Rodriguez
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$300**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **47.0%** Adjustment Subtotals 2, 3, & 7 **\$141**

Notes Enhancement for three NOV's with the same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and reduction for high performer classification.

Culpability **No** **0.0%** Enhancement Subtotal 4 **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 **\$0**Economic Benefit **0.0%** Enhancement* Subtotal 6 **\$0**

Total EB Amounts **\$708**
Estimated Cost of Compliance **\$5,000**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal **\$441**

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0% Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$441**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$441**

DEFERRAL

0.0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$441

Screening Date 11-Apr-2017

Docket No. 2017-0555-PWS-E

PCW

Respondent City of Clyde

Policy Revision 4 (April 2014)

Case ID No. 54309

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101410751

Media [Statute] Public Water Supply

Enf. Coordinator Ronica Rodriguez

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 57%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and reduction for high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 47%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 47%

Screening Date 11-Apr-2017

Docket No. 2017-0555-PWS-E

PCW

Respondent City of Clyde

Policy Revision 4 (April 2014)

Case ID No. 54309

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101410751

Media [Statute] Public Water Supply

Enf. Coordinator Ronica Rodriguez

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on the locational running annual average. Specifically, the locational running annual average concentrations of HAA5 for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.073 mg/L for the third quarter of 2016, 0.079 mg/L for the fourth quarter of 2016, and 0.080 mg/L for the first quarter of 2017.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to comply with the MCL for HAA5 caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 1

274 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$300

One annual event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$708

Violation Final Penalty Total \$441

This violation Final Assessed Penalty (adjusted for limits) \$441

Economic Benefit Worksheet

Respondent City of Clyde

Case ID No. 54309

Reg. Ent. Reference No. RN101410751

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Sep-2016	8-Oct-2018	2.02	\$34	\$674	\$708
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to implement an alternative form of disinfection, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$708

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600739510, RN101410751, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator: CN600739510, City of Clyde

Classification: HIGH

Rating: 0.00

Regulated Entity: RN101410751, CITY OF CLYDE

Classification: UNCLASSIFIED

Rating: -----

Complexity Points: 3

Repeat Violator: NO

CH Group: 14 - Other

Location: 3240 COUNTY ROAD 275 CLYDE, CALLAHAN COUNTY, TEXAS

TCEQ Region: REGION 03 - ABILENE

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0300002

WATER LICENSING LICENSE 0300002

LEAKING PETROLEUM STORAGE TANKS REMEDIATION
ID NUMBER 100542

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: May 19, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 19, 2012 to May 19, 2017

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Ronica Rodriguez

Phone: (512) 239-2601

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 02/22/2016 ADMINORDER 2015-1535-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on August 19, 2015 a sample collected at 1708 Alamo Court measured a total chlorine residual of 0.45 mg/L. Further, on August 20, 2015 a sample collected at 725 South Access Road measured a total chlorine residual of 0.10 mg/L.

- 2 Effective Date: 07/19/2016 ADMINORDER 2015-1805-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 3Q2015 - During the third quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at 1109 Shaney, Clyde, TX (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: SWTR Non-acute TT Violation 09/2015 - In the months of 08/2015 and 09/2015, more than 5.0% of the disinfectant residuals within the distribution system were below 0.5 mg/L.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 08/24/2016 (1356857)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: TAC 290.46(m) Failure to maintain filter 3 in good working condition.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(C)
Description: TAC 290.42(e)(3)(C) Failure to provide redundancy for chlorine cylinders.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
Description: TAC 290.43(c)(4) Failure to have a proper water level indicator at the 0.500 MG water tower.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(i)
Description: TAC 290.110(c)(5)(D)(i) Failure to monitor monochloramines and free ammonia weekly in the distribution system.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: TAC 290.46(m) Failure to maintain the standpipe at 0.250 MG water tower and the claricone at the water treatment plant.
- 2 Date: 10/24/2016 (1402032)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 3Q2016 - During the third quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.073 mg/L at 1109 Shaney, Clyde, TX (DBP2-01).
- 3 Date: 12/14/2016 (1402032)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 4Q2016 - During the fourth quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.079 mg/L at 1109 Shaney, Clyde, TX (DBP2-01).
- 4 Date: 03/21/2017 (1402032)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 1Q2017 - During the first quarter of 2017 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.080 mg/L at 1109 Shaney, Clyde, TX (DBP2-01).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Appendix A

All NOV's Issued During Component Period 5/19/2012 and 5/19/2017

1	Date:	11/15/2013	(1128431)	Classification:	Moderate
	Self Report?	NO			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)			
	Description:	TAC 290.46(m) Failure to maintain filter 3 in good working condition.			
				Classification:	Minor
	Self Report?	NO			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)			
	Description:	Failure to conduct tank inspections in the past year.			
				Classification:	Minor
	Self Report?	NO			
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)			
	Description:	Failure to provide a plant operations manual.			
2*	Date:	10/01/2015	(1294170)	Classification:	Moderate
	Self Report?	NO			
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c)			
	Description:	TTHM LRAA MCL 3Q2015 - During the third quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at 1109 Shaney, Clyde, TX (DBP2-01).			
3*	Date:	10/06/2015	(1294170)	Classification:	Moderate
	Self Report?	NO			
	Citation:	30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)			
	Description:	CCR 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 to its bill-paying customers and/or the TCEQ by July 1st of the following year.			
4*	Date:	11/12/2015	(1294170)	Classification:	Moderate
	Self Report?	NO			
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(b)(4) 30 TAC Chapter 290, SubChapter F 290.110(f)(6) 5A THSC Chapter 341, SubChapter A 341.0315(c)			
	Description:	SWTR Non-acute TT Violation 09/2015 - In the months of 08/2015 and 09/2015, more than 5.0% of the disinfectant residuals within the distribution system were below 0.5 mg/L.			
5*	Date:	08/24/2016	(1356857)	Classification:	Moderate
	Self Report?	NO			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)			
	Description:	TAC 290.46(m) Failure to maintain filter 3 in good working condition.			
				Classification:	Minor
	Self Report?	NO			
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(3)(C)			
	Description:	TAC 290.42(e)(3)(C) Failure to provide redundancy for chlorine cylinders.			
				Classification:	Minor
	Self Report?	NO			
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)			

Description: TAC 290.43(c)(4) Failure to have a proper water level indicator at the 0.500 MG water tower.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(i)

Description: TAC 290.110(c)(5)(D)(i) Failure to monitor monochloramines and free ammonia weekly in the distribution system.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: TAC 290.46(m) Failure to maintain the standpipe at 0.250 MG water tower and the claricone at the water treatment plant.

6 Date: 10/24/2016 (1402032)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: HAA5 LRAA MCL 3Q2016 - During the third quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.073 mg/L at 1109 Shaney, Clyde, TX (DBP2-01).

7 Date: 12/14/2016 (1402032)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: HAA5 LRAA MCL 4Q2016 - During the fourth quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.079 mg/L at 1109 Shaney, Clyde, TX (DBP2-01).

8 Date: 03/21/2017 (1402032)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: HAA5 LRAA MCL 1Q2017 - During the first quarter of 2017 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.080 mg/L at 1109 Shaney, Clyde, TX (DBP2-01).

* NOVs applicable for the Compliance History rating period 9/1/2011 to 8/31/2016

Appendix B

All Investigations Conducted During Component Period May 19, 2012 and May 19, 2017

	(1128431)
Item 1	November 15, 2013**
	(1177615)
Item 2	June 23, 2014**
	(1196478)
Item 3	September 30, 2014**
	(1294170)
Item 4	November 20, 2015**
	(1294399)
Item 5	December 04, 2015**
	(1356857)
Item 6	August 24, 2016**
	(1375831)
Item 7	December 15, 2016
	(1394531)

Item 8 March 03, 2017

(1402032)

Item 9 March 27, 2017

(1402535)

Item 10 March 31, 2017

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2011 and 08/31/2016.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF CLYDE
RN101410751**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2017-0555-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Clyde (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 3240 County Road 275 in Clyde, Callahan County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 3,561 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on March 20, 2017 through March 31, 2017, an investigator documented that the locational running annual average concentrations of haloacetic acids ("HAA5") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.073 milligrams per liter ("mg/L") for the third quarter of 2016, 0.079 mg/L for the fourth quarter of 2016, and 0.080 mg/L for the first quarter of 2017.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.060 mg/L for HAA5, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$441 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$441 penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No.4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Clyde, Docket No. 2017-0555-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for HAA5, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - b. Within 380 days after the effective date of this Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with

Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Drinking Water Special Functions Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.

7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



9/22/17

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

6-15-17

Date

Chad Sheffield

Name (Printed or typed)
Authorized Representative of
City of Clyde

Plant Superintendent

Title

☐ If mailing address has changed, please check this box and provide the new address below: